

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 26, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PATRICK B.,<sup>1</sup>

Plaintiff,

v.

LELAND DUDEK, Acting  
Commissioner of Social Security,<sup>2</sup>

Defendant.

No. 1:24-cv-3157-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that Plaintiff may be entitled to reasonable attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

---

<sup>1</sup> For privacy reasons, the Court refers to a social security plaintiff by first name and last initial or as "Plaintiff." *See* LCivR 5.2(c).

<sup>2</sup> Leland Dudek has been named the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d) and 42 U.S.C. § 405(g), he is hereby substituted as the Defendant.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is  
**GRANTED.**

2. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- reevaluate the medical-opinion evidence;
- reevaluate Plaintiff's subjective symptom complaints;
- reevaluate Plaintiff's residual functional capacity; and
- offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.

3. The Clerk's Office shall **TERM** the hearing and Plaintiff's brief, **ECF No. 8**, enter **JUDGMENT** in favor of Plaintiff, and **CLOSE** the case.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 26<sup>th</sup> day of February 2025.



EDWARD F. SHEA  
Senior United States District Judge